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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,403

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Frederic Milliot

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EXAMINER

VU, MICHAEL T

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,403

Applicant(s)

MILLIOT ET AL.

Examiner

Michael Vu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vertaschitsch (US 6,976,217).

Regarding **claims 1, 9, 14**, Vertaschitsch teaches a method of supplying configuration data to a mobile telephony device (1) equipped with AT command management means (6), (See C5, L49-65) characterized in that it comprises the steps of: i) setting up a connection between said device (1) (See Fig. 2, Handheld Computer 200) and a terminal (7) (See Fig. 3, PDA Device 300) containing service configuration data and ii) exchanging service configuration data between the terminal (7) and the device (1) by means of selected AT commands that the AT command management means (6) of said device are able to interpret (See C5, L48-67 to C6, L1-28).

Regarding **claims 2, 15**, Vertaschitsch teaches the method according to claim 1, further teaches characterized in that data representative of a provisioning protocol is extracted from the device by means of selected AT commands and then sent to the terminal (7) so that said terminal may exchange said configuration data with said device in accordance with said provisioning protocol (See C5, L48-67 to C6, L1-28).

Regarding **claims 3, 10**, Vertaschitsch teaches the method according to claim 1, further teaches characterized in that said AT command management means (6) extract said configuration data from the AT commands received from the terminal (7) in order to supply it to application means (2) requiring mobile Internet resources (2) (C1, L57-67, and C5, L48-67 to C6, L1-28).

Regarding **claims 4, 11**, Vertaschitsch teaches the method according to claim 3, characterized in that said application means (2) are selected from the group comprising browser means (2), onboard Java application means, and onboard Multi Media Messaging application means (C1, L57-67, C6, L35-42).

Regarding **claims 5, 12**, Vertaschitsch teaches the method according to claim 3, characterized in that said configuration data is supplied to a provisioning agent (3) in said application means (2) (See C5, L48-67 to C6, L1-28).

Regarding **claims 6, 13, 16**, Vertaschitsch teaches the method according to claim 1, characterized in that at least certain of the configuration data stored in a memory (8) of the device (1) is extracted in order to send it to said terminal (7) and in that, on receipt of said data, the device (1) is sent AT commands for modifying certain data, after which the modified data is stored in said memory (8) (C3, L47-58).

Regarding **claims 7, 17**, Vertaschitsch teaches the method according to claim 6, characterized in that at least certain of the configuration data stored in the memory (8) is extracted in order to send it to said terminal (7) and in that, on receipt of said data, the device (1) is sent AT commands representative of new configuration data, after which the new data is stored in said memory (8). (C3, L47-58).

Regarding **claims 8, 18**, Vertaschitsch teaches the method according to claim 6, characterized in that at least certain of the configuration data stored in the memory (8) is extracted in order to send it to said terminal (7) and in that, on receipt of said data, the device (1) is sent AT commands for deleting certain data from said memory (8). (C6, L62-67 to C7, L1-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vertaschitsch in view of Herle (US 2003/0027563).

Regarding **claim 19**, Vertaschitsch teaches the method according to claim 1, **but is silent on** wherein said connection is selected from the group consisting of a cable connection and a radio connection. However, Herle teaches the wireless software to be downloaded to or installed within wireless communications device, which is utilizing a wired connection employing a universal asynchronous receiver-transmitter (UART) or a universal serial bus (USB) or a wireless connection conformation to Infrared Data Association (IrDA) or Bluetooth standards [0016].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vertaschitsch, such that wherein said connection is selected from the group consisting of a cable connection and a radio connection, to provide the capability to download from one device/PDA to another device/Phone without using the internet server.

Regarding **claim 20**, Vertaschitsch teaches the method according to claim 19, **but is silent on** characterized in that said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection. However, Herle teaches the wireless connection conformation to IrDa or Bluetooth, which characterized in the connectivity between a wireless telephone and a PDA device [0016].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vertaschitsch, such that characterized in that said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection, to provide the capability to download from one device/PDA to another device/Phone without using the internet server.

Regarding **claim 21**, Vertaschitsch teaches the 21. The use of a method, device and terminal according to claim 1, **but is silent on** to configure application means (2) operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols. However, Herle teaches the wireless software downloads including the entire network protocol stack-including the radio frequency (RF) and transmission control protocol (TCP/IP) and file transfer protocol (FTP), packet data protocol (PDP), access point (AP), general packet radio service (GPRS) gateway GPRS support node (GGSN) (See fig. 1, [0003, 0014, 0018]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vertaschitsch, such that to configure application means (2) operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols, to provide the flexibility of capable of accessing the entire of the circuit or packet networks protocols.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Resenius US 6,757,734

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

Art Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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